

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FILED BY _____ D.C.

MAY 24 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. LAUD.

United States of America

v.

Mark Anthony Roque Bustamante,
Luis Enrique Tejada, and
Jonathan Chavez,

Case No. 23-MJ-6235-JMS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2022 through Present, in the county of Broward in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. §§ 846 and 841(b)(1)(A)

Conspiracy to Distribute 400 Grams or More of a Mixture and Substance
Containing a Detectable Amount of Fentanyl

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

JARED KATTAH

Digitally signed by JARED KATTAH
Date: 2023.05.24 20:31:37 -0400

Complainant's signature

Jared Kattah, ATF Special Agent

Printed name and title

Sworn to before me and signed in accordance with the requirements of
Fed. R. Crim. Pro. 4.1 by FaceTimeDate: May 24, 2023City and state: Fort Lauderdale, Florida

Judge's signature

Jared M. Strauss, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jared Kattah, being duly sworn, state and depose that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been employed so since September 2015. As part of training to become an ATF Special Agent, I attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, I have been certified as a Federal Investigator and have received specific training into investigating violations of federal law to include the unlawful possession of firearms and narcotics trafficking. Your affiant has also received specific training in the use of warrants and complaints to enforce federal firearms laws. Your affiant is currently assigned to the Fort Lauderdale Field Office in the Southern District of Florida.

2. I make this Affidavit in support of a criminal complaint charging **Mark Anthony Roque Bustamante, Luis Enrique Tejada, and Jonathan Chavez** with violating Title 21, United States Code, Sections 846 and 841(b)(1)(A) (conspiracy to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl).

3. I submit this Affidavit based on my personal knowledge, as well as information provided to me by other individuals, including other law enforcement officials, and my review of records and other evidence obtained during the course of this investigation. Because this Affidavit is being submitted for the limited purpose of establishing probable cause, it does not include every single fact known to me about this matter.

PROBABLE CAUSE

4. In or around March 2022, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Broward County Sheriff's Office (BSO) conducted multiple undercover controlled buys involving the purchase of multi-ounce quantities of cocaine, a Schedule II controlled substance, from a cooperating defendant ("CD").¹

5. On or about May 31, 2022, ATF and BSO executed a state search warrant at the CD's residence. Law enforcement conducted a debrief of CD, at which time he/she agreed to cooperate. The CD identified "Hector" as the source of supply for large quantities of pressed fentanyl pills. Law enforcement later identified "Hector" as Hector Alejandro Apodaca-Alvarez. According to the CD, Apodaca-Alvarez has ties to the Sinaloa Cartel² and could provide an endless supply of pressed fentanyl pills. The pills in question would physically resemble Oxycodone M30s³ but would contain fentanyl. The CD also advised that Apodaca-Alvarez could supply large kilo-quantity shipments of methamphetamine and cocaine. The CD identified Apodaca-Alvarez's phone numbers.

6. Law enforcement confirmed that Apodaca-Alvarez currently operates a trucking business with multiple semi-trucks. Homeland Security Investigations (HSI) conducted a border crossing query and confirmed that, in the past year, Apodaca-Alvarez had more than one hundred

¹ The CD is a convicted felon. All information provided by the CD since the inception of his/her cooperation on May 31, 2022, has been deemed credible. The CD was on federal supervised release for narcotics-related violations at the time of this investigation. To date, the CD has not been charged for the undercover narcotic transactions conducted from him/her. On or about July 14, 2022, the CD's cooperation was terminated due to his violating the terms of federal supervised release in an unrelated matter.

² The Sinaloa Cartel is an international crime organization that is among the most-powerful drug-trafficking syndicates in the world. It is based in Culiacán, Sinaloa state, Mexico.

³ Oxycodone is a Schedule I controlled substance. According to the DEA, counterfeit pills are nearly identical to actual prescription medications in order to mask their illicit nature. The majority of counterfeit pills resemble oxycodone 30mg pills (M30s), which are circular pills, blue in color, with the "M30" pressed into each pill.

(100) border crossings into Mexico.

7. In or around June 2022, under law enforcement's direction, the CD contacted Apodaca-Alvarez on Apodaca-Alvarez's United States-based cellphone. Apodaca-Alvarez then sent a message to the CD on Apodaca-Alvarez's Mexican-based number, which read, "Its me hector cabron. Just use this Mexican phone for dirty talk". The CD and Apodaca-Alvarez then had a conversation on the Mexican-based phone number. During the conversation, Apodaca-Alvarez and the CD discussed the shipment of fentanyl pills and cocaine, as well as Apodaca-Alvarez's trucking business. Apodaca-Alvarez stated that he had been selling a lot of pills in Virginia. Apodaca-Alvarez explained to the CD that the pills' potency can be determined by how blue the pill is, adding that people would not "fall" on the light-colored pills. Based on my training and experience, I believe that "fall" was in reference to the likelihood that a drug user would overdose or die from the fentanyl's potency. During the conversation, Apodaca-Alvarez told the CD that he does not "talk shit" on the United States-based number. In other words, any communications regarding narcotics trafficking or other illicit activity could only occur on Apodaca-Alvarez's Mexican-based number. During the conversation, Apodaca-Alvarez agreed to ship pressed fentanyl samples to CD.

8. On June 15, 2022, law enforcement received the first shipment of pressed fentanyl from Apodaca via United States Postal Service (USPS). Upon receipt, at law enforcement's direction, the CD advised that the first shipment did not have the "desired effect" on his/her customers.⁴ Apodaca responded that he would provide a better batch but advised that the new pills would be extremely potent. Laboratory analysis confirmed that the pills weighed approximately 22.20 grams and contained a detectable amount of fentanyl.

⁴ There were no actual customers. The CD made the statement in order to further the conversation with Apodaca-Alvarez.

9. On June 29, 2022, law enforcement received a second shipment of pressed fentanyl concealed in a band aid package. Laboratory analysis confirmed that the pills weighed approximately 10.76 grams and contained fentanyl. Under law enforcement's direction, the CD advised Apodaca that the second shipment was good but would rather have Apodaca deal with the CD's "associate" because the associate is selling the pressed fentanyl directly. Unbeknownst to Apodaca, the associate in question was an undercover officer (UC).

10. On or about July 12, 2022, an undercover officer ("UC") contacted Apodaca-Alvarez on the Mexican-based phone number via WhatsApp text communication. The UC told Apodaca-Alvarez that the second shipment of pressed fentanyl received was good and that he wished to conduct a transaction for additional pills. Apodaca-Alvarez and the UC then discussed the price per pill, ultimately reaching an agreement in which Apodaca-Alvarez would sell each pill for six dollars (\$6.00). Apodaca-Alvarez stated that he would send one thousand (1,000) pills before inquiring on how long it would take the UC to make payment. The UC offered to send payment via Zelle⁵ to Apodaca-Alvarez after the UC "sold" the first five hundred (500) pills. Apodaca-Alvarez then asked if the UC knew anyone that would like to purchase between five thousand (5,000) and ten thousand (10,000) pills at a time.

11. On or about July 21, 2022, law enforcement received a shipment of eight hundred ninety-four (894) pressed fentanyl pills concealed in a cell phone box. When considering the number of pills that Apodaca-Alvarez previously sent in the first and second batches, law enforcement believe that Apodaca-Alvarez counted the samples towards the one thousand (1000) pills ordered, which explained why he only sent over 894 pills. The pressed fentanyl pills were shipped via United States Postal Service from Long Beach, California. Laboratory analysis

⁵ Along with PayPal, Venmo and other popular mobile payment options, Zelle is a peer-to-peer (P2P) payment solution that lets you send money easily, quickly and securely from your bank account to someone else's bank account.

determined that the pills weighed approximately 97.3 grams and contained a detectable amount of fentanyl.

12. In July 2022, after the receipt of the 894 pressed fentanyl pills, Apodaca-Alvarez contacted the UC inquiring about payment. The UC notified Apodaca-Alvarez that he would Zelle him for the first payment and requested his Zelle information. Apodaca-Alvarez initially requested that the UC ship the cash via mail. This prompted the UC to decline the request, advising that Zelle was much safer. Apodaca-Alvarez then requested that the UC send the money via Western Union to "Carmen Leal de Figueroa" in Somerton, Arizona 85350.

13. On or about July 31, 2022, the UC sent three thousand dollars (\$3,000.00) in investigative funds via Western Union to "Carmen Leal de Figueroa" in Somerton, Arizona 85350.

14. On or around August 2, 2022, Apodaca-Alvarez notified the UC that he was unable to receive the money and provided a bank account number and Zelle information. The phone number Apodaca-Alvarez provided was different than his US- and Mexican-based numbers.

15. On or about August 8, 2022, the UC sent \$3,000.00 via Zelle to the Zelle account provided. Law enforcement databases revealed this Zelle account and the phone number assigned to it belonged to Alberto Alvarez of Long Beach, California. Of importance, Alvarez's residential address is approximately five (5) miles from the sender's shipment address listed on the United States Postal Service package that contained the 894 pressed fentanyl pills.

16. On or about August 9, 2022, the UC placed a recorded call to Alberto Alvarez's phone number and identified himself as "Hector's boy from South Florida." The UC asked the Alvarez if he received the two-thousand-dollar (\$2,000.00) payment that he sent to "you guys" – referring to the Alvarez and Apodaca-Alvarez. Alvarez replied that he did receive the payment. The UC advised that he would send another one thousand dollars (\$1,000.00) and wanted to make

sure he was sending it to the right person. Alvarez answered in the affirmative.

17. On or about August 13, 2022, the UC received a phone call from Apodaca-Alvarez on his Mexican-based phone number through WhatsApp. During the phone call, Apodaca-Alvarez discussed the receipt of the Zelle payments from the UC. The UC and Apodaca-Alvarez discussed the next order of two thousand (2,000) fentanyl for five dollars (\$5.00) a pill. Apodaca-Alvarez asked if he was sure that he did not want four or five thousand pills which the UC declined. Apodaca-Alvarez then asked the UC if he needed anything else. The UC asked Apodaca-Alvarez if he could provide prices for "ice" – a street term for methamphetamine. The UC asked if Apodaca-Alvarez would sell a pound of "ice" for two thousand seven hundred dollars (\$2,700.00). Apodaca-Alvarez laughed, stating that he could not go that low because he was selling a pound of methamphetamine for four thousand dollars (\$4,000.00) in South Florida. Apodaca-Alvarez then stated that he would send one (1) pound of great quality methamphetamine with the 2,000 fentanyl pills, adding that he would take it back if the UC did not like the methamphetamine.

18. On or about August 26, 2022, law enforcement received a shipment of two thousand and twelve (2,012) pressed fentanyl pills concealed in packaging from Apodaca-Alvarez. The pressed fentanyl pills were shipped via United States Postal Service. The total weight of the pills was approximately 214.56 grams and field-tested positive for the presence of fentanyl.

19. Between September 2, 2022, and September 8, 2022, Apodaca-Alvarez and the UC conversed on several recorded phone calls. During these calls, the UC and Apodaca-Alvarez discussed payment and future narcotics orders. Apodaca-Alvarez explained that he could get the UC any weight of any product needed and would negotiate prices in order to keep the UC as a customer. During one of the calls, Apodaca-Alvarez identified himself as "Hector Apodaca" while discussing Zelle payments to his Zelle account. Apodaca-Alvarez stated that he would be sending

three (3) different one-pound samples of methamphetamine from three different individuals and he wanted the UC to tell him which one he wanted. The UC told Apodaca-Alvarez that four thousand dollars (\$4,000.00) was a lot for a pound of methamphetamine. Apodaca-Alvarez advised that he was willing to negotiate the price per pound, adding that he (Apodaca-Alvarez) would still be making a profit at two thousand seven hundred dollars (\$2,700) a pound. During one controlled call, Apodaca-Alvarez advised he had bad reception as he was currently crossing the border.

20. On September 17, 2022, law enforcement received approximately ten (10) pounds of methamphetamine concealed within three packages. Laboratory analysis confirmed that, within the first package, was a substance that weighed approximately 2,686 grams and contained approximately 2,632.3 grams of actual (pure) methamphetamine. Laboratory analysis confirmed that, within the second package, was a substance that weighed approximately 896.2 grams and contained approximately 878.2 grams of actual (pure) methamphetamine. Laboratory analysis confirmed that, within the third package, was a substance that weighed approximately 895.5 grams and contained approximately 868.6 grams of actual (pure) methamphetamine.

21. On September 29, 2022, law enforcement conducted an operation at the Walmart located at 3382 Murphy Canyon Road, San Diego, California. The purpose of the operation was for the UC to pay twenty thousand dollars (\$20,000.00) in pre-recorded investigative funds to Apodaca-Alvarez for payment of the ten pounds of crystal methamphetamine and two thousand and twelve (2,012) pressed fentanyl pills. Law enforcement observed Apodaca-Alvarez arrive at the Walmart driving a 2018 Ford F-150 bearing Arizona license plate CFK9925. This vehicle is registered to Apodaca-Alvarez. Apodaca-Alvarez exited his vehicle and entered the front passenger seat of the UC's vehicle. The UC paid the \$20,000 to Apodaca-Alvarez. After the UC handed the money, Apodaca-Alvarez stated, "They told me to tell you. They have – he has – we

have like 12, 15 pounds of methamphetamine there of meth and 10,000 skittles.⁶ Do you need them?" The UC and Apodaca-Alvarez discussed setting a price for the "skittles." Apodaca-Alvarez explained that the different potency levels of the kilos of fentanyl, advising that there was a 500, 600, 700, 800, and 1000, with the latter being the strongest.

22. While discussing a future transaction for pressed fentanyl, Apodaca-Alvarez stated that "it's the same people, I only work with one person. I work with, and he said yesterday, that fucking kid is good," Apodaca-Alvarez then received a phone call via FaceTime. During the call, Apodaca-Alvarez inquired if "skittles man" – later identified as Mark Anthony Roque Bustamante – would set a price of four dollars (\$4.00) a pill if the UC placed an order for ten thousand (10,000) rainbow-colored fentanyl pills. While on the call, Roque Bustamante agreed to sell 10,000 rainbow-colored fentanyl pills at \$4.00 apiece. The UC inquired if the pills were the same pill as the blue M30s that he had previously received. Roque Bustamante confirmed that the pills would be the same, just with coloring. Apodaca-Alvarez, Roque Bustamante, and the UC then discussed a future order of crystal methamphetamine in which Apodaca-Alvarez and Roque Bustamante agreed to send twenty (20) pounds of methamphetamine along with the 10,000 rainbow-colored fentanyl pills if the UC needed it. Apodaca-Alvarez then stated, "this guy's the fuckin DEA dude" in reference to the UC, prompting the UC, Roque Bustamante, and Apodaca-Alvarez to laugh. During this conversation the UC was equipped with video/audio recording equipment which captured the FaceTime conversation with Roque Bustamante. Below is a screenshot taken from

⁶ The "skittles" was in reference to the rainbow-colored fentanyl pills.

the UC's recording equipment:



The UC and Apodaca-Alvarez then discussed the 10 pounds of crystal methamphetamine that the UC had just received (3 separate packages from 3 individual senders). The UC told Apodaca-Alvarez that his people were excited about the methamphetamine, especially the 6 pounds that the UC had received on September 17, 2022, from San Luiz, Arizona, via United States Postal Service. It should be noted that Roque Bustamante resides in San Luis, Arizona. Apodaca-Alvarez implied that this particular shipment came from Roque Bustamante.

23. On or about October 13, 2022, during a phone call between the UC and Apodaca-Alvarez, Apodaca-Alvarez told the UC that he has 20 pounds of methamphetamine and two (2) kilos of fentanyl ready for the UC. Apodaca-Alvarez also advised that one of his "trucks" with two hundred thirty-three (233) pounds of methamphetamine was seized by law enforcement. Apodaca-Alvarez stated that he was not concerned since this shipment is part of ten (10) tons of methamphetamine that they have on the "other side," in reference to Mexico. Apodaca-Alvarez stated that he was, however, concerned that his truck driver was a "rat" because law enforcement

did not arrest the driver. Apodaca-Alvarez then provided the news article referencing the seizure of 233 pounds of methamphetamine, as well as his driver's full name.⁷

24. On or about October 17, 2022, law enforcement received a shipment of approximately 1,085 grams of rainbow-colored pills that contained fentanyl. The pills were concealed in a box containing clothes via the United States Postal Service. Less than a month earlier, on September 22, 2022, the UC received a photograph via WhatsApp from Apodaca-Alvarez, which depicted rainbow-colored fentanyl pills similar to what law enforcement received on October 17, 2022.

25. On or about October 25, 2022, during a phone call between the UC and Apodaca-Alvarez, Apodaca-Alvarez asked the UC to pick up eight thousand (\$8,000) dollars and a kilo of fentanyl from an individual in Boston, Massachusetts. Apodaca-Alvarez asked the UC to sell the kilo of fentanyl. According to Apodaca-Alvarez, Apodaca-Alvarez and his associate had been dealing with "B" – later identified as Austin Grupee – for approximately six months. Apodaca-Alvarez told the UC that, during their last transaction, "B" was sent two (2) kilograms of fentanyl at the one-thousand purity level; however, "B" claimed that one of the kilos was not the correct purity level. Apodaca-Alvarez requested that the UC go to Boston to pick-up this fentanyl along with \$8,000.00. Apodaca-Alvarez stated that he would provide good pricing to the UC on the kilogram of fentanyl. The UC agreed to go to Boston for this purpose. Apodaca-Alvarez advised that "B" would be ready for the UC and requested that the UC reach out to "B" to coordinate the pickup. The UC placed a controlled call to "B" and arranged the pickup.

26. On November 2, 2022, the UC met with Grupee at the Pro Clean Auto Wash located in Randolph, Massachusetts. During the meeting, the UC obtained approximately one kilogram of

⁷ Law enforcement confirmed that the seizure in question occurred on September 30, 2022, in Salton City, California, by United States Border Patrol.

fentanyl and \$8,000.00. Laboratory analysis confirmed that the substance obtained from Grupee weighed approximately 975.1 grams and contained a detectable amount of fentanyl and para-fluorofentanyl. This meeting was audio/video recorded.

27. On November 2, 2022, the UC placed a controlled call to Apodaca-Alvarez in which the UC discussed placing an order for fifty thousand (50,000) rainbow-colored pressed fentanyl pills. The UC then discussed picking up the 50,000 pills along with two (2) kilograms of fentanyl in Los Angeles, California.

28. On November 4, 2022, Apodaca-Alvarez notified the UC that he had a new number and provided the UC with a new US-based phone number. Apodaca-Alvarez instructed the UC to make Zelle payments to this new number in the future and provided the name "Hector Apodaca" as the Zelle recipient. Record checks confirmed the subscriber of this phone number and bank account associated with the Zelle transactions are linked to Apodaca-Alvarez.

29. On November 8, 2022, the UC placed a controlled call to Apodaca-Alvarez. Apodaca-Alvarez had Roque Bustamante a/k/a "Skittles Man" on a three-way line during this conversation. Due to his previous communications with Roque Bustamante, the UC was able to confirm that the voice on the line with him and Apodaca-Alvarez did, in fact, belong to Roque Bustamante. During the conversation, the UC, Apodaca-Alvarez, and Roque Bustamante discussed the future pickup of 50,000 rainbow-colored pressed fentanyl pills in Los Angeles and the UC's payment for the 10,000 pills received on October 17, 2022. Roque Bustamante and Apodaca-Alvarez discussed the price that they would charge for the 50,000 pills and arranged the date for the pickup. During the conversation, Apodaca-Alvarez told the UC that the "Skittles Guy" likes .50 caliber Barretts and asked for the price of those types of rifles.⁸ Roque Bustamante then

⁸ Your affiant knows from his training and experience that the Barrett .50 caliber rifle is among the most sought-after firearms by members of Mexican-based cartels, including the Sinaloa Cartel.

asked the UC if he knew what 2C-B⁹ was. The UC said that he was not familiar with it, prompting Roque Bustamante to state that 2C-B was similar to “molly” – in reference to MDMA – but is ingested nasally.

30. On or about November 15, 2022, while in Los Angeles, the UC met with Luis Enrique Tejada¹⁰ to conduct a narcotics transaction coordinated by Apodaca-Alvarez. Tejada met with the UC while driving a Ram 1500 pick-up truck, gray in color, bearing Arizona tag number 7JA5MJ. Tejada is the registered owner and sole occupant of the vehicle. Tejada exited his vehicle and retrieve tools from the backseat passenger compartment before bringing them to the rear of his truck. Tejada then began utilizing the tools to remove a panel from the tailgate of the vehicle. Tejada then inquired the quantity that the UC was to receive, to which the UC responded, “5 or 50,000.” Tejada responded, “He told me to give you ten of them.” Tejada then began removing black cylinder-type packages from the tailgate compartment and asked the UC if he wanted to weigh them. The UC answered in the affirmative. The UC then obtained ten packages and weighed them. During the meeting, Tejada stated that he was from Yuma, Arizona. The UC then retrieved twenty-four thousand dollars (\$24,000.00) in pre-recorded investigative funds and handed the currency to Tejada. Tejada told the UC that he had previously “sent [the UC] some stuff one time,” referencing the narcotics that the UC had received in the mail on a previous occasion. Tejada then proceeded to count the currency. Tejada confirmed the money count. The UC asked Tejada to place a call and verify that there were “5 in each” referencing 5,000 pills per package. Tejada placed a phone call and put it on speakerphone. Roque Bustamante answered and verified that

⁹ 2C-B is a Schedule I psychedelic drug.

¹⁰ Tejada arrived at the meeting location in a Ram truck registered in his name. The UC reviewed the driver's license photograph for the individual to whom the Ram was registered and positively identified him as the same person with whom he met to conduct the transaction.

there were 5,000 pills in each package. The UC thanked Roque Bustamante and told Tejada to let Roque Bustamante know that Tejada had received the \$24,000. Roque Bustamante answered, "Ok. Ok." Tejada then departed. Tejada supplied the UC with approximately fifty thousand (50,000) pressed fentanyl pills. Earlier on this date and prior to the meeting with the UC, Tejada crossed the border from Mexico into the United States. Laboratory analysis confirmed that the pills obtained from Tejada weighed approximately 5,438.10 grams and contained a detectable amount of fentanyl. This transaction was audio/video recorded.

31. On or about November 16, 2022, the UC met with Jonathan Chavez¹¹ in Los Angeles, California, to conduct a second narcotics transaction coordinated by Apodaca-Alvarez. Chavez entered a warehouse and met with the UC. While inside, Chavez supplied the UC with approximately two kilograms of fentanyl in a paper bag. The UC took the bag and went into a different room to weigh the drugs. After confirming the weight, the UC returned and advised Chavez that the weight was appropriate. After the transaction concluded, the UC called Apodaca to let him know that the transaction was complete. Apodaca responded that Chavez was scared during the deal because he thought the UC was associated with the DEA and that the UC needed to learn to speak Spanish. Laboratory analysis confirmed that the substance weighed approximately 1,970 grams and contained a detectable amount of fentanyl. This transaction was audio/video recorded.

32. On December 14, 2022, the UC received an approximate six-second video of large buckets filled with rainbow-colored pressed fentanyl pills. It should be noted that at this time and

¹¹ Chavez crossed the border that same morning in the Volkswagen that he drove to meet with the UC to conduct the transaction. When he crossed the border, Chavez provided his identification to border patrol. The UC reviewed the images taken of the border crossing and positively identified Chavez as the same individual with whom he met to conduct the transaction. In addition, Chavez was wearing the same clothes depicted in the image when he met with the UC.

according to Apodaca-Alvarez's own admission to the UC, Roque Bustamante was the sole source of supply for all of the UC's pressed fentanyl orders.

33. On or about January 24, 2023, the UC met with Apodaca-Alvarez in Tucson, Arizona. The UC paid sixty thousand dollars (\$60,000.00) to Apodaca-Alvarez for previous narcotics transactions and discussed conducting a deal for five million fentanyl pills in the coming months. Apodaca-Alvarez advised the UC that "his people" can supply the five million pressed fentanyl pills. During the meeting, Apodaca-Alvarez called Roque Bustamante via FaceTime. The UC was able to visually confirm that the individual on the screen of Apodaca-Alvarez's phone during the FaceTime call was Roque Bustamante. Apodaca-Alvarez explained to Roque Bustamante that the UC was not provided the full amount for the 50,000 rainbow-colored pressed fentanyl pills that he supplied to his people in Boston. Apodaca-Alvarez and Roque Bustamante then discussed how they were going to split the \$60,000 that the UC provided. This transaction was audio/video recorded.

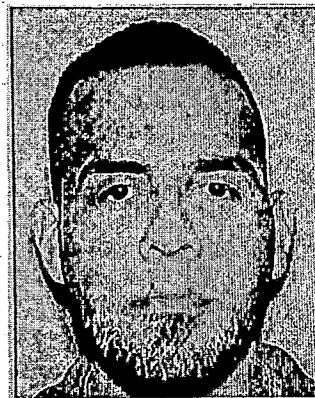
34. On or about February 1, 2023, Apodaca-Alvarez contacted the UC and told the UC that he is working directly for "Zambada" now. It is believed Apodaca-Alvarez is referring to Ismael Zambada Garcia a/k/a "El Mayo," who is the leader of the Zambada Garcia Faction of the Sinaloa Cartel based in Mexico.

35. On or about February 24, 2023, Apodaca-Alvarez and the UC discussed possibly picking up a kilogram of fentanyl in Los Angeles, California, the following week. Additionally, Apodaca-Alvarez told the UC that he previously served time in a federal prison.¹² During this prison time, Apodaca-Alvarez advised that he met a "high ranking Sinaloa Cartel member" with whom he is working in the trafficking of narcotics.

¹² Hector Apodaca-Alvarez has prior federal convictions for violating 21 U.S.C. § 841(a)(1), once in 1997 (Southern District of California) and again in 2015 (Northern District of Texas).

36. On or about March 1, 2023, the UC met with Apodaca-Alvarez in Los Angeles, California. Apodaca-Alvarez provided approximately one kilogram of fentanyl to the UC for eighteen thousand (\$18,000.00) in pre-recorded investigative funds. This transaction was audio/video recorded.

37. On or about March 14, 2023, the UC placed a controlled call to Apodaca-Alvarez. During the call, Apodaca-Alvarez told the UC that "Skittles Man" was being investigated by the Drug Enforcement Administration (DEA) and there were rumors circulating that he was cooperating with law enforcement. In an attempt to have Apodaca-Alvarez confirm Roque Bustamante's name, the UC offered to have a lawyer run "Skittles Man" in a database to see if he had any pending cases and the nature of such cases. Apodaca-Alvarez agreed and provided the name of "Skittles Man" as "Marcos Bustamante Payan Roque" of Arizona. Apodaca-Alvarez stated that Roque Bustamante had a prior case for narcotics out of Arizona. Based on the information provided, law enforcement was able to positively identify "Skittles Man" as Mark Anthony Roque Bustamante. The UC was provided Roque Bustamante's Arizona Driver's license photograph, as well as photographs taken of Roque Bustamante's tattoos from the Arizona Department of Corrections, which confirm that Roque Bustamante was indeed the individual with whom the UC conversed with on FaceTime in the past. A side-by-side of the screenshot from one of the calls and the photographs provided by law enforcement databases appear below:



38. On April 11, 2023, the UC placed a controlled call to Apodaca-Alvarez. During the call, Apodaca-Alvarez notified the UC that his people had twenty thousand (20,000) pressed fentanyl pills and two (2) kilograms of fentanyl in Phoenix, Arizona. Apodaca-Alvarez told the UC that he could purchase the 20,000 pills, as well as 1 kilogram, for twenty-six thousand dollars (\$26,000.00). Apodaca-Alvarez instructed the UC to overnight cash to his (Apodaca-Alvarez's) residence, referring to this residence as a "stash" location. Apodaca-Alvarez then provided the UC with address "1728 N Smith Way Somerton, AZ 85350". Law enforcement databases confirm that this is the currently listed address for Apodaca-Alvarez. During this controlled call, Apodaca-Alvarez stated that he had just come from Roque Bustamante's residence. He stated that Roque Bustamante claimed that he (Roque Bustamante) had just received a visit from the Federal Bureau of Investigation (FBI).¹³ During this conversation, Apodaca-Alvarez stated that he instructed Roque Bustamante to meet with the FBI so they could have a "connect" and so they could know what is going on. Apodaca-Alvarez stated that when he met with Roque Bustamante, Roque Bustamante instructed Apodaca-Alvarez to be careful what he says around his cell phones. According to Apodaca-Alvarez, Roque Bustamante placed Apodaca-Alvarez's cell phones outside of his vehicle before he would speak with him. Apodaca-Alvarez told the UC that the issue Roque Bustamante was having was not regarding narcotics but firearms. According to Apodaca-Alvarez, Roque Bustamante "plays with a lot of toys". It should be noted that Apodaca-Alvarez previously instructed the UC to refer to firearms as "toys".

39. Your affiant notes that according to the UC, Apodaca-Alvarez has made numerous statements regarding keeping ledgers to track of payments made by the UC and other narcotic

¹³ Law enforcement confirmed that the FBI contacted Roque Bustamante on March 31, 2023, regarding a death threat. The threat was not related to the instant investigation nor was it a ruse. The FBI offered assistance for Roque Bustamante and his family, which Roque Bustamante declined.

customers. Apodaca-Alvarez has sent photographs to the UC of these ledgers via WhatsApp messenger.

40. In the month of April 2023, the UC and Apodaca-Alvarez continued to converse via controlled calls and WhatsApp messenger to arrange a pre-negotiated deal for 5 million pressed fentanyl pills (approximately 600 kilograms). Per the conversations between the UC and Apodaca-Alvarez, Apodaca-Alvarez will transport and/or arrange for the transportation of the pressed fentanyl pills to the UC in South Florida area.

41. On May 9, 2023, Apodaca-Alvarez told the UC via controlled call that he had just been paid \$100,000 for transporting fifty (50) kilograms of cocaine.

42. On or about May 16, 2023, the UC requested that Apodaca-Alvarez forward him messages to prove that Apodaca-Alvarez was indeed working on coordinating the transportation of fentanyl to South Florida. That same day, Apodaca-Alvarez requested two firearms for him and Jorge Moreno. The UC stated that he would attempt to obtain two pistols for Apodaca-Alvarez and Moreno. Apodaca-Alvarez sent messages in Spanish to the UC, which stated "the white guy wants it as soon as possible and Chaves is the good one. Me and Cachetes will follow behind him."

43. On or about May 19, 2023, Apodaca-Alvarez notified the UC that he was enroute from Arizona to South Florida with approximately twenty (20) kilograms of fentanyl. A phone toll analysis revealed that Apodaca-Alvarez's primary line was in communication with 928-817-2454 with listed subscriber Jose Chavez. License plate readers and border patrol checkpoint in Sierra Blanca, Texas, identified Apodaca-Alvarez's registered semi-truck and tractor trailer traveling eastbound. Apodaca-Alvarez notified the UC that he was in a separate vehicle and would have to wait until the semi-truck arrived to conduct the narcotics transaction.

44. On or about May 22, 2023, Apodaca-Alvarez notified the UC that he was ready to

conduct the transaction. Surveillance units observed Apodaca-Alvarez and Moreno at the Hampton Inn hotel, located at 5701 Madison Avenue, Tamarac, Florida. At approximately 2:40 PM, law enforcement observed Apodaca-Alvarez's semi-truck enter the parking lot at the Hampton Inn hotel. Law enforcement observed Moreno enter the semi-truck with an empty bag and meet with Chavez Zaragoza. Moreno then exited the semi-truck and entered back into the hotel. At approximately 5:30 pm, the UC picked up Apodaca-Alvarez and Moreno. Apodaca-Alvarez and Moreno loaded two bags into the UC vehicle, as well as a Santa Muerte statue and a bottle of tequila. The UC drove Apodaca-Alvarez and Moreno to an undisclosed UC location where Apodaca-Alvarez and Moreno exited the vehicle, and the bags containing the narcotics were unloaded. The UC showed Apodaca-Alvarez and Moreno the firearms, both Moreno and Apodaca-Alvarez handled two Glock 9mm firearms and confirmed to the UC that they wanted them. Apodaca-Alvarez and Moreno then followed the UC into a room where approximately sixteen (16) kilograms of fentanyl and two (2) kilograms of cocaine were unloaded from the bags. Moreno differentiated the kilograms of fentanyl and cocaine when the UC was unloading the bags and notified the UC that there were three (3) additional kilograms in the second bag. After the UC initiated the arrest signal, Apodaca-Alvarez and Moreno were taken into custody without incident. A secondary arrest team arrested Jose Chavez Zaragoza, who was nearby in a semi-truck with his 13-year-old son. At the time of his arrest, Chavez stated, "This is part of the job." The 16 kilograms of fentanyl and 2 kilograms of cocaine field-tested positive.

CONCLUSION

Based on the foregoing facts, I respectfully submit that there is probable cause to believe that **Mark Anthony Roque Bustamante, Luis Enrique Tejada, and Jonathan Chavez** with violating Title 21, United States Code, Sections 846 and 841(b)(1)(A) (conspiracy to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl).

FURTHER YOUR AFFIANT SAYETH NAUGHT

JARED KATTAH

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KATTAH

Date: 2023.05.24 20:32:19 -04'00'

SPECIAL AGENT JARED KATTAH
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by FaceTime on this 24th day of May, 2023.


JARED M. STRAUSS

UNITED STATES MAGISTRATE JUDGE